

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEANA CROMITIE, on behalf of herself and  
all others similarly situated,

Plaintiff,

-against-

IMPERIAL WHOLESALE, INC.

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/13/2022

1:22-cv-06919-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court issued an Order to Show Cause on September 30, 2022, ordering the Plaintiff to file a letter showing cause why this case should not be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. [ECF No. 8.] After Plaintiff failed to reply, the Court issued another Order to Show Cause on October 12, 2022, again instructing the Plaintiff to file a letter showing cause why this case should not be dismissed. [ECF No. 9.] After carefully reviewing the submissions of the parties, the Court finds that sanctions are not necessary or appropriate at this time. Plaintiff is on notice, however, that she is ultimately responsible for prosecuting her case, and this case may be dismissed in the future because of her chosen counsel's failure to prosecute her case. *See Link v. Wabash R. Co.*, 370 U.S. 626, 633-34 (1962).

The Court is also in receipt of the parties' letters regarding Defendants' contemplated motion to dismiss. [ECF Nos. 10, 11]. Plaintiff has requested leave to file an Amended Complaint. [ECF No. 11.] Based on a careful review of the parties' letters and Plaintiff's request, the Court finds that a pre-motion conference is not necessary. IT IS HEREBY ORDERED that Plaintiff shall file her Amended Complaint by November 11, 2022. **This will be Plaintiff's last opportunity to amend in response to any issue raised in the parties' pre-motion letters.**

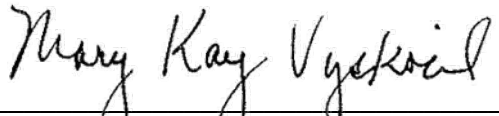
Defendants shall respond within 14 days. If Defendants respond with a motion to dismiss, further briefing shall be submitted on the schedule set forth in Local Rule 6.1(b).

Any request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 48 hours before the deadline.

The Clerk of Court respectfully is requested to terminate the letter motion pending at docket entry 10.

**SO ORDERED.**

**Date: October 13, 2022**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**